

Proposed Revisions to Subpart J – Use of Dispersants and Other Chemicals

- Authority for Chemical Countermeasures:
 - Clean Water Act & Oil Pollution Act
 - EPA Responsible for a “Product Schedule;” Identify Waters; Quantities
 - US Coast Guard – “Devices”
- National Oil and Hazardous Substances Pollution Contingency Plan (NCP)
 - “Subpart J” of NCP contains the regulatory requirements for the Product Schedule (40 CFR Part 300)

What is the Product Schedule?

- Currently a list of 106 products:
 - Dispersants (17)
 - Surface Washing Agents (51)
 - Bioremediation Agents (25)
 - Cultures and Enzymes (18)
 - Nutrients (7)
 - Miscellaneous Oil Spill Control Agents (MOSCA - 13)
 - Solidifiers (8)
- Substances “authorized for use” by a Federal On-Scene Coordinator (FOSC)
 - Not an “Approval”

Product Schedule (*cont'd*)

- Getting on the Schedule:
 - Product Manufacturer determines “category” and conducts toxicity and efficacy tests
 - Product information and data submitted to EPA for review
 - If submitted package is complete, product is “listed.”
- OSC authorizes use of a listed product on an oil spill

Subpart J Revisions Under Consideration

- To get on the Product Schedule:
 - Revised efficacy tests, criteria for dispersants and other agents:
 - For example, use Baffled Flask Test vs. Swirling Flask Test for dispersant efficacy; revised “performance threshold”
 - Aquatic Toxicity tests of product and product mixed with oils:
 - Considering additional test species, LC₅₀ thresholds
 - Other elements being considered: Revised categories, biodegradation, bioaccumulation; shelf life; production capabilities
- Factors to be considered in “Authorization of Use”
 - For example: “local” tests prior to “Pre-authorization”
- Considering requirements for monitoring product use
- Transition “old” Product Schedule to “new”

Rulemaking Schedule

- Final Agency review of proposed rule – early summer 2012
- Office of Management and Budget (OMB) and Interagency Review – summer/fall 2012
- Proposal in Federal Register for Public Comment – December 2012